

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JAN 15 2008

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

EDWARD A. JASPER,
Petitioner,

v.

CHIEF W. C. FUGATE,
Respondent.

)
)
)
)
)
)
)

Civil Action No. 7:07-cv-00014

FINAL ORDER

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this case is hereby **DISMISSED** as malicious, pursuant to 28 U.S.C. § 1915A(b)(1). Any pending motions are hereby **DENIED as MOOT**, and this case is **STRICKEN** from the active docket of the court.^{1, 2}

The Clerk is directed to send copies of this order and accompanying memorandum opinion to Petitioner.

ENTER: This 15th of January, 2008.



United States District Judge

¹ Plaintiff is advised that federal law provides that a prisoner may not bring a civil action without complete prepayment of the appropriate filing fee if the prisoner has brought, on three or more occasions, an action or appeal in a federal court that was dismissed as frivolous, as malicious, or for failure to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). Plaintiff is hereby advised that this dismissal constitutes his third "strike" under § 1915(g). See Jasper v. Mullins, et al., Civil Action No. 7:07-cv-00497 (W.D. Va. November 8, 2007), and Jasper v. Fugate, Civil Action No. 7:07-cv-00556 (W.D. Va. November 29, 2007) constitute plaintiff's first two strikes.

² Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).